

Att'y Dkt. No. US-1350

U.S. App. No: 09/636,458

IN THE CLAIMS:

Kindly amend Claims 9-29 as follows, in accordance with 37 C.F.R. § 1.121 as amended and made effective July 30, 2003:

9. (currently amended) A An isolated plasmid [[,]] comprising a gene, said gene encoding a polypeptide having Rep protein activity and, said polypeptide comprising an amino acid sequence that is at least [[81.91%]] 90% homologous to the amino acid sequence of SEQ ID NO: 4.

10. (previously presented) The plasmid according to Claim 9, wherein the gene plasmid has a size of from 4.4 to 6 kb.

11. (cancelled)

12. (currently amended) The plasmid according to Claim 9, wherein the gene encodes a polypeptide having Rep protein activity and, said polypeptide comprises an amino acid sequence that is at least 99% homologous to the amino acid sequence of SEQ ID NO: 4.

13. (currently amended) The plasmid according to Claim 9, wherein the gene encodes a polypeptide having Rep protein activity and, said polypeptide comprises an amino acid sequence of SEQ ID NO: 4.

14. (previously presented) The plasmid according to Claim 9, wherein the plasmid is isolated from *Corynebacterium thermoaminogenes* AJ12308.

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15. (previously presented) The plasmid according to Claim 9, wherein the plasmid is isolated from *Corynebacterium thermoaminogenes* AJ12310.

16. (previously presented) The plasmid according to Claim 9, wherein the plasmid is isolated from *Corynebacterium thermoaminogenes* AJ12340.

17. (cancelled)

18. (currently amended) A method of isolating the plasmid according to Claim 9, comprising

(A) culturing the a *Corynebacterium thermoaminogenes* in a culture medium,

(B) obtaining fractions by an alkali method, and

(C) isolating said plasmid.

19. (cancelled)

20. (currently amended) The method according to Claim ~~[[19]]~~ 18, further comprising analyzing the fractions by agarose gel electrophoresis.

21-28. (cancelled)

29. (currently amended) ~~[[A]]~~ An isolated polynucleotide, comprising a nucleic acid sequence that encodes a polypeptide having Rep protein activity and, said polypeptide comprising an amino acid sequence that is at least ~~[[81.91%]]~~ 90% homologous to the amino acid sequence of SEQ ID NO: 4.